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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,666	12/21/2001	Kazuhiko Hasegawa	35.C16137	6486
5514	7590	12/01/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			GIBBS, HEATHER D	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2627	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,666

Applicant(s)

HASEGAWA ET AL.

Examiner

Heather D. Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-13 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/29/02, 08/03/04, 6, 01, 04, 10, 07, 03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9,26 are rejected under 35 U.S.C. 102(b) as being anticipated by Takashimizu et al (US 5,956,161).

Regarding claim 1, Takashimizu discloses a duplex image reading apparatus comprising: a transportation path for transporting a sheet original to a reading means; first and second region by original transporting reading means located corresponding to respective transportation sides of said sheet original in the reading region of said transportation path, wherein each of said first and second reading means is of such a configuration that a color reference portion used as a color reference for reading is opposed to a reading portion while the color reference portion and the reading portion are placed on two sides with the transportation sides of interposed the two sides and the sheet original wherein said first and second reading means are arranged so that one of said reading portion and said color reference portion is supported so as to be movable in a direction substantially perpendicular to an image reading surface of said reading portion (Fig 1; Refs: 310,410,412,414,712,752;12:23-29;14:43-65;15:53-65)

Considering claim 2, Takashimizu teaches A duplex image reading apparatus Claim wherein said first reading means according to fixedly a main body of supports the

reading portion relative to the apparatus, wherein said second reading means supports the reading portion so that the reading portion is movable in the direction substantially perpendicular to the image reading surfaces wherein the color reference portion of said first reading means is arranged to be movable in the direction substantially perpendicular to the image reading surface so that the sheet original is urged toward the image reading surface of said first reading means, and wherein the color reference portion of said second reading means is fixed on a substantially same plane as the image reading surface of said first reading means and the image reading surface of said second reading means is urged so as to be brought into contact with the color reference portion of said second reading means (14:17-48).

For claim 3, Takashimizu teaches wherein the color reference portion of said first reading means is provided above the transportation sides of the sheet original (Fig 1).

For claim 4, Takashimizu teaches wherein the color reference portion of second reading means is constructed integrally with supporting means for supporting the reading portion of said first reading means (Fig 1; 14:43-65).

Regarding claims 5-8, Takashimizu discloses wherein the reading portion of said second reading means is supported by a flexible, elastic member (25:27-37).

Considering claim 9, Takashimizu teaches wherein said second reading means is located downstream of said first reading means in a transporting direction of the sheet original (Fig 1).

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For claim 26, Takashimizu teaches image forming means for forming an image on a recording medium, based on image read information read by said image reading apparatus (22:53-65).

Allowable Subject Matter

3. Claims 10-13 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs
Examiner
Art Unit 2627

hdg

